

41 SEP 25 2003

Image

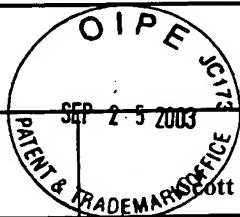
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1638

**TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT**  
(Under 37 CFR 1.97(b) or 1.97(c))

Docket No.  
UAB-16102/22  
Box 52

In Re Application Of: Richard J. Whitley et al.

Serial No.  
10/009,972Filing Date  
February 14, 2002

SEP 25 2003

Examiner  
Scott David PriebeGroup Art Unit  
1638

**Title: HERPES SIMPLEX VIRUS EXPRESSING FOREIGN GENES AND  
METHOD FOR TREATING CANCERS THEREWITH**

Address to:

Assistant Commissioner for Patents  
Washington, D.C. 20231

**37 CFR 1.97(b)**

1.  The Information Disclosure Statement submitted herewith is being filed within three months of the filing of a national application other than a continued prosecution application under 37 CFR 1.53(d); within three months of the date of entry of the national stage as set forth in 37 CFR 1.491 in an international application; before the mailing of a first Office Action on the merits, or before the mailing of a first Office Action after the filing of a request for continued examination under 37 CFR 1.114.

**37 CFR 1.97(c)**

2.  The Information Disclosure Statement submitted herewith is being filed after the period specified in 37 CFR 1.97(b), provided that the Information Disclosure Statement is filed before the mailing date of a Final Action under 37 CFR 1.113, a Notice of Allowance under 37 CFR 1.311, or an Action that otherwise closes prosecution in the application, and is accompanied by one of:

- the statement specified in 37 CFR 1.97(e);

**OR**

- the fee set forth in 37 CFR 1.17(p).

37 CFR 200.202 (b)(1)(ii)(B) (3)(v)(A)(i)(B)(2)(v)(B)

(2) (iii)(B)

**DISK  
ENCLOSED**

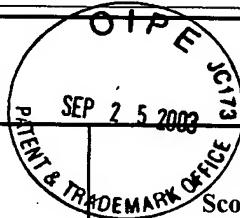
Also enclosed: Supplemental Amendment,  
Verification Statement &  
Sequence Listing (paper & disk)

P10A/REV02

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**HERPES SIMPLEX VIRUS EXPRESSING FOREIGN GENES AND  
 METHOD FOR TREATING CANCERS THEREWITH**

**Payment of Fee**

(Only complete if Applicant elects to pay the fee set forth in 37 CFR 1.17(p))

- A check in the amount of **\$180.00** is attached.
- The Assistant Commissioner is hereby authorized to charge and credit Deposit Account No. as described below. A duplicate copy of this sheet is enclosed.
  - Charge the amount of
  - Credit any overpayment.
  - Charge any additional fee required.

**Certificate of Transmission by Facsimile\***

I certify that this document and authorization to charge deposit account is being facsimile transmitted to the United States Patent and Trademark Office (Fax. No. ) on

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*[Signature]*  
*Janice R. Kuehn*  
 Typed or Printed Name of Person Signing Certificate

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**Certificate of Mailing by First Class Mail**

I certify that this document and fee is being deposited on **Sept. 25, 2003** with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231, PO Box 1450, ALEXANDRIA, VA, 22313-1450.

*[Signature]*  
 Signature of Person Mailing Correspondence

Janice R. Kuehn

Typed or Printed Name of Person Mailing Certificate

\*This certificate may only be used if paying by deposit account.

*Avery N. Goldstein*  
 Signature

Dated:

*September 24, 2003*

Avery N. Goldstein, Reg. No. 39,204  
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CC:



**EXAMINER:** Initial if citation considered, whether or not citation is in conformance with MR-21 Section 309; Draw line and sign name if not considered. Include copy of this form with next communication to applicant.